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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,192	01/17/2002	Samuel I. Brandt	2002P00448 US	8677

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EXAMINER

LE, LINH GIANG

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/052,192	<b>Applicant(s)</b> BRANDT ET AL.	
	<b>Examiner</b> Linh-Giang Le	<b>Art Unit</b> 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>011702 080405</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Notice to Applicant***

1. The communication is in response to the application filed 17 January 2002. It is noted that application claims the benefit of provisional application 60/318,664 filed 12 September 2001. Claims 1-24 are pending.

### ***Specification***

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

***Double Patenting***

3. Claims 1-24 of this application conflict with claims 1-27 of Application No. 10/054664. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Morag (2002/0062230).

6. As per claim 1, Morag teaches in a system for scheduling a set of tasks to be performed by at least one individual to support healthcare delivery, a method for providing a user interface for processing an event representing a change in

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circumstances potentially affecting healthcare delivered to a patient (Morag; Abstract), comprising the steps of:

in response to user command, initiating generation of at least one display image supporting (Morag; Pg. 2, Para. 15), identifying an event and an associated parameter (Morag; Pg. 2, Para. 15); Examiner interprets “educated query message” to be an “event.” designating a predetermined process is associated with said identified event (Morag; Pg. 2, Para. 15); Examiner interprets “medical profiler” to be a “predetermined process.” said predetermined process comprising a set of tasks to be performed by at least one individual to support healthcare delivery (Morag; Pg. 2, Para. 15), indicating said parameter is to be provided to said process in response to occurrence of said event (Morag; Pg. 2, Para. 15).

7. As per claim 2, Morag teaches wherein said at least one display image supports designating an executable procedure is associated with said identified event and wherein execution of said procedure is initiated in response to occurrence of said identified event (Morag; Pg. 10 Para. 177). Examiner notes that the “flow diagram” depicts an “executable procedure.”

8. As per claim 3, Morag teaches wherein said at least one display image supports designating a second process, comprising a scheduled sequence of tasks to

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be performed by at least one individual to support healthcare delivery, is associated with said identified event and determining said second process is to be at least one of, (a) replaced and (b) supplemented, by said predetermined process in response to occurrence of said identified event (Morag; pg. 11, Para. 186).

9. As per claim 4, Morag teaches wherein said second process is supplemented by said predetermined process by at least one of the steps of,

(a) adding said tasks of said predetermined process to tasks of said second process, and

(b) substituting at least one of said tasks of said predetermined process for a task of said second process. (Morag; Pg. 10 Para. 177-181 and Figs. 3B and 4)

10. As per claim 5, Morag teaches wherein said at least one display image supports designating a second process is to be at least one of, (a) replaced and (b) supplemented, by said predetermined process in response to occurrence of said identified event, said second process comprising a scheduled sequence of tasks to be performed by at least one individual to support healthcare delivery and is different to said predetermined process sequence of tasks. (Morag; Pg. 10 Para. 177-181, Morag; Pg. 11, Para. 186 and Figs. 3B and 4)

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11. As per claim 6, Morag teaches wherein said at least one display image supports designating predetermined parameter verification criteria is associated with said associated parameter (Morag; Pg. 10 Para. 177-181 and Figs. 3B and 4).

12. As per claim 7, Morag does not expressly teach wherein said designated predetermined parameter verification criteria comprises at least one of, (a) a value range (b) a value type and (c) a parameter symbol check. However this is well known in the art. Examiner respectfully submits that Morag does teach workflow engine activities required to incorporate billing information (Morag; Col. 10, Para. 177). One of ordinary skill in the art would understand a value range to be included in billing information.

13. As per claim 8, Morag teaches wherein said associated parameter is for use by multiple different process task sequences and is stored at a location available for access by said multiple different process task sequences (Morag; Figs 3B and 4).

14. As per claim 9, Morag teaches wherein said step of designating said predetermined process is associated with said identified event comprises designating an instance of said predetermined process is associated with said identified event (Morag; Pg. 10 Para. 177-181 and Figs. 3B and 4).

15. As per claim 10, Morag teaches including the step of

searching a database containing records indicating active processes to identify active process instances of said predetermined process (Morag; Pg. 9, Para. 160).

16. As per claim 11, Morag teaches including the step of  
in response to user command via said at least one display image, storing at least one of, (a) an event identifier identifying said event, (b) a process identifier identifying said predetermined process and (c) an identifier identifying a particular instance of said predetermined process (Morag; Pg. 10 Para. 177-181 and Figs. 3B and 4).

17. As per claim 12, Morag teaches, wherein  
said event comprises at least one of, (a) an event resulting from action by healthcare personnel, (b) an event generated by an operating process, (c) an event generated by patient monitoring equipment and (d) an event generated by a medical device (Morag; Pg. 10 Para. 177-181 and Figs. 3B and 4).

18. As per claim 13, Morag teaches wherein  
said display image indicates to a user a mapping of a first label representing said event associated parameter used by said predetermined process to a corresponding second label representing said associated parameter used by a second process replaceable by said predetermined process upon occurrence of said event (Morag; Pg. 12, Paras. 194 and 195).



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19. As per claim 14, Morag teaches, wherein said first label is different from said second label (Morag; pg. 11, Para. 186).

20. As per claim 15, Morag teaches wherein  
said at least one display image indicates individual tasks comprising said predetermined process (Morag; Pg. 12, Paras. 194 and 195).

21. As per claim 16, Morag teaches wherein  
said at least one display image supports user designation of a particular individual task of said individual tasks and said predetermined process is initiated from said user designated particular individual task upon occurrence of said event (Morag; Pg. 12, Paras. 194 and 195).

22. As per claim 17, Morag teaches wherein  
upon occurrence of said event, said predetermined process omits at least one task prior to said designated particular individual task (Morag; Pg. 12, Paras. 194 and 195).

23. Claims 18-24 repeat limitations taught by claims 1-17 and the reasons for rejection are incorporated herein

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***Conclusion***

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Linh-Giang Le whose telephone number is 571-272-8207. The examiner can normally be reached on 8:30 AM - 5PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
LLe

  
C. LUKE GILLIGAN  
PATENT EXAMINER